

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

AILEEN KOGERA NJOROGE,

Defendant.

4:18CR3066

MEMORANDUM AND ORDER

I held a recorded conference with counsel and the jury team today. It was learned that two of the defendants have scheduled Rule 11 guilty plea hearings with Magistrate Judge Zwart, but Ms. Njoroge demands, as is her right, a jury trial.

Counsel for the government and Ms. Njoroge asked that I continue this case slightly so it could be tried in the original place of trial, to wit: Lincoln, Nebraska. By way of background, given the pandemic this case was moved from Lincoln to Omaha for trial because the Lincoln courthouse could not accommodate three defendants plus a full panel of prospective jurors while complying with COVID restrictions given the fact that Chief Judge Gerrard had a previously scheduled a Lincoln criminal jury trial to start on the same date. To make matters more complex, one side demanded that jurors from the Lincoln wheel be used regarding the Omaha trial. That, of course, would have required additional travel time and inconvenience for prospective juror. Additionally, both lawyers reside in Lincoln.

Now with one defendant remaining the trial can be held in the Lincoln, courthouse while observing all COVID precautions. It was agreed by all that the Speedy Trial Act should be tolled for the very short continuance.

IT IS ORDERED that:

1. Trial of this case is continued. It will start on Tuesday, October 13, 2020 and go to the jury no later than Wednesday, October 21, 2020.
2. The time between today's date and Tuesday, October 13, 2020 is excluded from computation under the Speedy Trial Act in the interests of justice, to accommodate counsel and the prospective jurors and to address COVID concerns. *See, e.g.*, 18 U.S.C § 3161(h)(7)(A) & (B).

September 22, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Court